

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NICHOLAS DUTTLE, SHARON
DUTTLE, and SHAUN DUTTLE,

Plaintiffs,

v.

Civ. No. 10-839 MCA/GBW

CURTIS CHILDRESS, ROBIN GOJKOVICH,
CARLOS MADRID, HENRY RODRIGUEZ,
JOE HERRERA, JOE PADILLA, JOHN
MARTINEZ, MARY LOU WARD, ROBBIE ACOSTA,
SUSIE MALDONADO, TRAVIS WELLS, VALERIE
HEREDIA, MICHELLE BOUDRIE, CITY OF LAS
CRUCES, DONA ANA COUNTY, and DONA ANA
COUNTY SHERIFF'S DEPARTMENT,

Defendants.

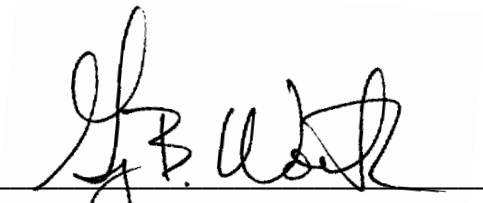
ORDER DENYING PLAINTIFFS' MOTION TO COMPEL

THIS MATTER is before the Court on Plaintiffs' Motion to Compel Statement by Counsel Desiree Gurule. *Doc. 91*. The Motion will be denied.

Pursuant to this Court's rules, a "[m]ovant must determine whether a motion is opposed, and a motion that omits a recitation of a good-faith request for concurrence may be summarily denied." D.N.M.LR-Civ. 7.1(a). Plaintiffs' counsel neither sought concurrence nor recites the same. Instead, counsel states that "[b]ecause of the nature of this motion, concurrence with this motion was not sought from opposing counsel or [sic] record." *Doc. 91* at 1.

The only exception to the requirement of making a good faith request for concurrence is “in pro se inmate cases.” D.N.M.LR-Civ. 7.1(a). Admittedly, in circumstances where common sense makes it so obvious that a motion will be opposed, the Court may excuse counsel’s failure to comply with this rule. However, the instant motion does not fall into that exceptional circumstance. Thus, the motion will be summarily denied for failure to comply with the local rule.

Wherefore, **IT IS HEREBY ORDERED** that Plaintiffs’ Motion to Compel, (*doc.* 91), is **DENIED**.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE